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09/843,718	04/30/2001	Juha-Pekka Sipponen	017.39011X00	9439

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EXAMINER

HAQ, NAEEM U

ART UNIT PAPER NUMBER

3625

DATE MAILED: 12/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/843,718

Applicant(s)

SIPPONEN, JUHA-PEKKA

Examiner

Naeem Haq

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 18-20,33,56,66,67,69-71,84,107,116 and 120-123 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18-20,33,56,66,67,69-71,84,107,116 and 120-123 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 6, 2005 has been entered.

### ***USC 112 Sixth Paragraph Notification***

Applicant has provided means-plus function language in claims 56, 69, 84, 107, 116, and 122, which could be construed as having a narrower meaning emanating from specific embodiments found in the specification. Since it is the Applicant's responsibility to invoke USC 112 6<sup>th</sup> paragraph, the examiner will treat the claims using the broadest reasonable interpretation unless the Applicant responds to the Office Action invoking USC 112 6<sup>th</sup> paragraph and identifying the exact limitations that the Applicant is reading into the claims from the specification. Please be advised that should the Applicant invoke USC 112 6<sup>th</sup> paragraph in response to this office action the response may still be made final using the rationale that the Applicant has added new subject matter to the claims. A lack of response to this notice will be construed as prosecution history estoppel indicating that the Applicant does not wish to invoke USC 112 6<sup>th</sup> paragraph.

***Claim Objections***

Claims 19 and 20 are objected to because of the following informalities: These claims recite the limitation "...the authorized printing device" in line 3 and line 2 respectively. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

Claims 66 and 67 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

**Claims 18-20, 33, 56, 69-71, 84, 107, 116, 120, and 122 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lapstun et al. (US 6,728,000 B1) hereafter referred to as Lapstun in view of Musgrave et al. (US 6,202,151 B1) hereafter referred to as Musgrave.**

Referring to claims 18: Lapstun discloses a method of electronically purchasing tickets comprising: using a portable trusted terminal of a purchaser which is in wireless communication with a server of a provider of the tickets to select a ticket to be purchased (column 2, line 62 – column 3, line 5; column 4, lines 17-22; column 21, lines 17-22; column 28, lines 15-18; column 34, lines 40-45; column 36, lines 10-17); using the portable

trusted terminal to communicate with the server which verifies a purchase of a selected ticket and the authenticity of the user (column 15, lines 58-63; col. 34, lines 39 – col. 35, lines 13, lines 24-56); saving in memory information regarding the purchase from which the purchased ticket is output by an authorized device selected by the portable trusted terminal (col. 37, lines 51 – col. 38, line 8) with authorization being determined by the server of the provider (column 2, lines 48-51; column 15, lines 58-63; column 33, lines 22-40). Lapstun does not explicitly state signing with the server a contract representing purchase of the ticket by the purchaser. However, Lapstun teaches that two parties agree to an online transaction using a digital signature for authentication (column 32, line 29 – column 33, line 21; column 35, lines 24-56). Furthermore, Musgrave discloses that signing a contract for an electronic transaction is old and well known in the art (col. 1, lines 17-45). Therefore it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Musgrave into the invention of Lapstun. One of ordinary skill in the art would have been motivated to do so in order to protect the value of the service offered by the merchant in the invention of Lapstun, as taught by Musgrave (col. 1, line 41-45: *"In general, any electronic service of value, provided over a local network or a public network, requires authentication of the requester in order to protect the value of the service. More valuable services typically require a greater degree of authentication."*).

Referring to claims 33, 56, 69, 84, 107, 116, 120, and 122: Claims 33, 56, 69, 84, 107, 116, 120, and 122 are rejected under the same rationale as set forth above in claim 18.

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Referring to claim 19: Lapstun and Musgrave teach or suggest all of the limitations of claim 18 as noted above. Furthermore, Lapstun discloses that the purchaser communicates with the provider of the tickets to print the ticket with the authorized printing device (col. 15, lines 58-63; col. 29, lines 44-57; col. 33, lines 22-40; col. 34, lines 40-45).

Referring to claim 20: Lapstun and Musgrave teach or suggest all of the limitations of claim 19 as noted above. Furthermore, Lapstun discloses that the authorized printing device is connected to the server by way of a network (col. 15, lines 58-63).

Referring to claim 70: Claim 70 is rejected under the same rationale as set forth above in claim 19.

Referring to claim 71: Claim 71 is rejected under the same rationale as set forth above in claim 20.

**Claims 121 and 123 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lapstun et al. (US 6,728,000 B1) hereinafter referred to as Lapstun in view of Musgrave et al. (US 6,202,151 B1) hereafter referred to as Musgrave and further in view of Official Notice.**

Referring to claim 121: The cited prior art teaches or suggest all of the limitations of claim 120 as noted above. The cited prior art does not teach that the printer, after printing the purchased ticket, acknowledges the printing of the ticket to the server of the provider of the tickets. However, Official Notice is taken that it is old and well known in the art to for a printer to acknowledge the printing of a document to a server. Therefore

it would have been obvious to one of ordinary skill in the art, at the time the invention was made, to incorporate this feature into the invention of Lapstun and Musgrave. One of ordinary skill in the art would have been motivated to do so in order to allow the server to free up the memory resources that had been reserved for the print job.

Referring to claim 123: Claim 123 is rejected under the same rationale as set forth above in claim 121.

### ***Response to Arguments***

Applicant's arguments with respect to independent claims 18, 33, 56, 69, 84, 107, and 116 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments with respect to new claims 121 and 123 have been fully considered but they are not persuasive. These claims are directed to the same subject matter as cancelled claims 31, 54, 82, and 105 which the Examiner rejected using Official Notice. Applicant's arguments with respect to claims new claims 121 and 123 are not persuasive because they do not adequately traverse the Official Notice. The Examiner notes that in order to adequately traverse a rejection based on common knowledge (i.e. Official Notice), an Applicant must specifically point out the supposed errors in the Examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. A general allegation that the claims define a patentable invention without any reference to the Examiner's assertion of Official Notice is inadequate. In the present case, the Applicant as not argued why the noticed fact is not considered to be common knowledge or well-known

in the art. Instead, the Applicant has provided a general allegation of patentability of the rejected claims. For this reason, Applicant's response is considered to be an inadequate traversal of the Official Notice used in the rejection of claims 31, 54, 82, and 105. Since new claims 121 and 123 are directed to the same subject matter, they are rejected under a similar rationale.

Since the Applicants have failed to seasonably challenge the Examiner's Official Notice presented in the previous Office Actions, the Examiner now interprets all Official Notices as admitted prior art. *Applicant must seasonably challenge well known statements and statements based on personal knowledge when they are made. In re Selmi, 156 F.2d 96, 70 USPQ 197 (CCPA 1946). If Applicant does not seasonably traverse the well known statement during examination, then the object of the well known statement is taken to be admitted prior art. In re Chevenard, 139 F.2d71, 60 USPQ 239 (CCPA 1943). Also see MPEP 2144.03.*

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naeem Haq whose telephone number is (571)-272-6758. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn W. Coggins can be reached on (571)-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Naeem Haq', with a long horizontal flourish extending to the right.

**Naeem Haq**, Patent Examiner  
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December 8, 2005